



OFFICE MEMORANDUM

DATE: August 14, 2006

TO: Region Engineers
Region Delivery Engineers
Region Development Engineers
TSC Managers
Resident/Project Engineers
Region Construction Engineers

FROM: Larry E. Tibbits
Chief Operations Officer

John C. Friend
Engineer of Delivery

SUBJECT: Bureau of Highway Instructional Memorandum 2006-08
Policy for Freedom of Information Act Requests for Bridge Inspection Reports

Section 13(1)(y) of the Policy for Freedom of Information Act (FOIA) exempts public records of measures designed to protect persons or property, if those measures relate to ongoing security measures:

Section 13(1) A public body may exempt from disclosure as a public record under this act any of the following:

Section 13(1)(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance. [Emphasis added; MCL 15.243(1)(y).]

Bridges are "public works" and bridge inspection reports (BIRs) are "[r]ecords or information of measures designed to protect the security or safety of persons or property." Disclosure of BIRs would impair the State of Michigan's ability to protect the security or safety of persons or property. Therefore, BIRs (including all records retained in the bridge files, MDOT computers,

or the bridge data base) that are part of the inspection process should be treated as exempt from release under the FOIA.

Please direct questions relating to FOIA of bridge inspection records to the Bridge Inspection Program Manager or the department FOIA Coordinator.

Chief Operations Officer

Engineer of Delivery

BOHD:C/T:DAJ:kab

Index: Freedom of Information

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